305

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1952 of 2004

M/s Jagdish Rice & Oil Mills and another

Versus

Central Bank of India and others

Post for orders on 2/08/2007

Sd/-
L.C. Bhadoo
Judge

306

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1952 of 2004

PETITIONERS :

1. M/s Jagdish Rice & Oil Mills, A Proprietorship Firm, through its Proprietor Shri Girraj Mahawar, Jeyopore Road, Jagdalpur, Distt. Bastar (C.G.).

2. Girraj Mahawar, S/o Late Khemchand Mahawar, aged about 32 years, Occupation Business, R/o Kumarpara, Jeyopore Road, Jagdalpur, Distt. Bastar (Chhattisgarh).

- Versus -

RESPONDENTS :

1. Central Bank of India, through its Regional Manager, Choubey Colony, Raipur, District Raipur (C.G.)

2. Central Bank of India, through its Branch Manager, Jagdalpur, Branch Jagdalpur, Distt. Bastar (Chhattisgarh).

3. Sushil Chand Pagariya, S/o Late Shri Mangilal Pagariya, aged about 44 years, R/o 3 Vivekanand Nagar Raipur (C.G.)

(Writ Petition under Article 226/227 of the Constitution of India)

Present: -

Shri Manindra Shrivastava, Sr. Advocate
With Shri Sanjay K. Agrawal and
Shri Akhilesh Dalpati Advocates: For the petitioners.

Shri Prashant Mishra, Sr. Advocate
With Shri Varunendra Mishra, Adv.: For respondents No.1 & 2.

Shri Kishore Bhaduri, Advocate: For respondent No.3.

ORDER

(Passed on 2nd August, 2007)

L.C. BHADOO, J.

307

1. By this writ petition filed under Article 226/227 of the Constitution of India, the petitioners have prayed for directing the respondent Bank to consider and accord the benefit of the RBI guidelines dated 29-1-2003.

2. Once the matter has already been considered after giving opportunity to both the parties. The matter has been finally adjudicated in Writ Petition No.2057/2003 wherein it has been held that the petitioners are not entitled for the benefit of RBI scheme dated 29-1-2003. This is a repeat writ petition on the same ground, therefore, this writ petition is not maintainable. I am fortified in my view by the decision of the Apex Court in the matter of **Rupa Ashok Hurra Versus Ashok Hurra and another & connected writ petitions** reported in **(2002) 4 Supreme Court Cases 388** in which the Apex Court held that:-

> "....on principle, a writ of certiorari cannot be issued to coordinate courts and a fortiori to superior courts. Thus, a High Court cannot issue a writ to another High Court, nor can one Bench of a High Court issue a writ to a different Bench of the same High Court."

3. Shri Manindra Shrivastava, learned Senior Advocate, could not argue any point as to how this writ petition is maintainable.

4. In the circumstances, once the matter has already been adjudicated in Writ Petition No.2057 of 2003 vide order dated 15th September, 2003. No fresh writ petition on the same facts and same issue is maintainable. Therefore, this writ petition is liable to be dismissed and it is hereby dismissed.

Sd/-
L.C. Bhadoo
Judge

Barve